

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: October 4, 2007, Time 7:00 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:02 p.m. Members present were Mayor Lothers, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Engineer Don Swartz and Recorder Cindy Lancaster. There were 35 citizens present.

Prayer and pledge was led by Minister Dan Gilbert of the Nolensville Church of Christ.

Citizens Input:

Mr. Aubrey Short, 803 Rockwood Drive, stated that during the incorporation of Nolensville Committee members met with surrounding cities. He stated that Nolensville will control the developers or the developers will control Nolensville. He asks that each of the board members vote for the best of the Town, not the best of developers. Mr. Short distributed photos from May 7, 1984 showing flooding in Nolensville area. He stated that he now sees that there is a rezoning request for that area. He stated that if this board uses the old school for Town Hall you had better be cautious of the files. He stated that if he were the folks on the other side of Mill Creek he would be concerned due to it being totally in the floodplain. He further stated that he had looked on the web to find information on the ordinances and only found the agenda. He noted that he had made this suggestion previously, but would like to find ordinance information on the Nolensville website.

Dr. James Clark, 921 Oldham Drive, stated that he would like to reiterate what Aubrey Short had just said. He stated that the board has forgotten what began initially. He noted that Nolensville has commercial property already zoned to Davidson County line. He further noted that currently there are voids at Piggly Wiggly in addition to the Historic Area. He asked why we have to rezone flood plain area. He noted that after this is re-zoned we need to worry about the road plan that has been in the works with TDOT.

Mayor Lothers noted that she has had three meetings with TDOT and she agreed with Dr. Clark in regards to honoring previous agreements that have been made with the State.

Alderman Dugger made a motion to approve the minutes of the regular meeting of September 6, 2007, Alderman Thomas seconded. Alderman Curtsinger made a motion to correct page six. He noted that it states, "Alderman Curtsinger stated that it appears that the Design Review Committee is not really needed". Alderman Curtsinger stated that it should say, "in the OI zoning", Alderman Dugger seconded. The amendment was approved by majority with Aldermen Alexander, Curtsinger, Dugger and Thomas for. Mayor Lothers recused herself from the vote noting that she was not in attendance at that meeting. The vote was then taken for the approval of the minutes as amended and were approved by majority, with Aldermen Alexander, Curtsinger, Dugger and Thomas for. Again Mayor Lothers recused herself from this vote. Alderman Thomas made a motion to approve the minutes of the Special Meeting of September 27, 2007, Alderman Alexander seconded. These minutes were passed by majority

with Mayor Lothers, Aldermen Alexander, Dugger and Thomas for. Alderman Curtsinger recused himself noting that he had not been in attendance the entire meeting.

Mayor Lothers made a motion to approve the August Treasurer's Report, Alderman Dugger seconded. Mayor Lothers noted that prior questions had not been submitted to the Town Recorder. The vote was taken and the Treasurer's report passed unanimously.

COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Catalina Subdivision review with minor changes was approved
- Variance request by Jones Company for lot 2308 was approved, request for lot 2307 was deferred
- Zoning amendment proposals were approved
- Rezoning request were approved:
 - (a) Camron Property at 7154 Nolensville Road
 - (b) Property on the corner of Sunset and Nolensville Road
- Monthly Bond Report was approved

Alderman Dugger requested that the board obtain a draft copy of the Planning Commission minutes.

Alderman Curtsinger inquired about the drive way variance. He asked if the Codes Department had inspected these drives. Engineer Don Swartz stated that he was unaware how the Jones Company derived their measurement. He noted that the Town measured the slope and it was 14 to 15. He noted that by the definition the town currently has in the Subdivision Regulations, this does not fall within a critical lot classification. He stated that the remaining will require a site plan so that each can be reviewed. Mayor Lothers noted that Alderman Alexander performed this type of work during his employment at Metro. He came to Town Hall and has reviewed the plans and noted the critical lots.

There was no report for the Historic Commission.

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Written report was submitted to the Board
- Chief noted a 20.17% increase in calls
- Tennessee Emergency management report was in regards to the burn ban, which remains in effect

Henry Laird reported for the Planning Department.

- Meeting with Project Developers frequently
- Rezoning request reviewed
- Attended a very beneficial conference in Memphis

Mr. Tom Allen reported for the Engineering Department

- Town is officially participating in the Flood Plain
- A typographical error must be corrected and go before the Board
- MS4 report was submitted September 30 to TDEC
- MS4 five-year permit expires in 2008

In Police Chief Rigsby's absence, Officer Troy Buckley reported for the Police Department.

- Written statistics were distributed
- Surplus automobile was sold for \$1,150
- Additional surplus property will be listed on govdeals.com
- Noise complaints in Winterset Woods have resulted in citations being written
- Education to elementary schools is being performed jointly with the County

Mr. Bob Hayes reported for the Public Works Department.

- Street patching has been ongoing
- Continue to pick up trash and replace signs
- Attended a tractor training conference
- Tractors are currently out of service for repairs

Ms. Suzie Lindsey reported for the Town Events Committee

- Veterans Day Parade preparation is ongoing
- Parade to begin at 11:00 a.m. on November 10
- Luncheon will be held at noon at Jenkins Cumberland Church
- Tickets will be sold for \$10 per person –Veteran's with one guest will be fed free of charge

Mayor's Report:

- a. Waller Road update

Mayor Lothers ask that Engineer Swartz update the board on this issue. She noted that Alderman Curtsinger had questions last month that would be addressed. Mayor Lothers ask that Engineer Swartz update the board on this issue.

Engineer Swartz noted that he had spoken with Assistant City Manager Kirk Bednar. Mr. Swartz stated that he had reviewed the road and they have done everything as originally agreed with the exception of final surfacing of the asphalt and permanent striping. He noted that it had been widened and the undercutting had been performed.

Mr. Swartz went on to comment on the Rocky Fork realignment noting this road is on schedule. He noted there was a change order concerning the project. Mr. Swartz stated that they are uncertain of the underlying soil. Mr. Swartz stated that when this project was first designed the current Subdivision Regulations were used. He described the current standards and said that he

felt these are not sufficient. Engineer Swartz stated that he would be recommending to the Planning Commission to change this section to require an “A” mix followed with a “B” modified mix. He further noted that the town is currently using the proposed changes on this project. These changes have increased the project approximately \$75,000. Engineer Swartz stated that some of the drainage features have been changed. A drain has been removed and a ditch has been taken down to Mill Creek. He noted that overall there will be a net savings of \$19,000.

Alderman Curtsinger asked if Florence & Hutcheson gave any comments. Engineer Swartz stated that he was not involved in that, although he knows that the guidelines for the cross-section came from the Town’s Subdivision Regulations. Alderman Curtsinger inquired if they were aware of the fact that the road would not hold up. Mayor Lothers stated that Florence and Hutcheson utilized the design that was approved by the Town Engineer at the time.

Alderman Dugger stated that it appears that the road was designed to our standards. The town has discovered that our standards are not what they should be and we are correcting this.

Alderman Curtsinger asked if the new road across from Rocky Fork was going to be substandard. He asked if it was built with the old standards. Engineer Swartz stated Cates and Kottas constructed that road with the design coming from their engineers. Mr. Swartz stated that he would review this road. Alderman Curtsinger said that he had inquired about the specifics of Waller Road. Mayor Lothers stated that he had heard the verbal report and the written agreement with Brentwood of August 2006 was the document in front of him.

b. Economic Development Committee

Mayor Lothers noted that this Committee has met and they are Jimmy Alexander, Chairman Jason Patrick, Vice Chairman, Cris Fabrizius, Chuck Fann, Debbie Riddle, John Lavender, David Verner, John Parmon, James West, Jeff Davis and Jason Lukavitch.

She noted that they will be performing a survey in regards to what businesses people want to come to Nolensville and the businesses they don’t want. Alderman Alexander stated that this group has received copies of surveys that have been performed in other towns and this is being reviewed.

c. Personnel Manual

Mayor Lothers noted that conversations have been ongoing with Ron Darden with MTAS and it is hoped to have this before the board next month.

d. Capital Improvement Budget

Mayor Lothers noted that work has been ongoing with another MTAS consultant to prepare this document

e. Other

Mayor Lothers noted that information was received that the town had not been awarded the Walking Trails Grant. The town should be notified very soon if it has received the Safe Routes to School Grant or not. Again, the grant would allow the construction of sidewalks from the new Elementary School.

Mayor Lothers stated that “Keep America Beautiful” volunteers have done a great job. Currently a recycle program is being initiated at the soccer and ball fields. There will be advertisements promoting recycling.

Mayor Lothers informed the board that she had attended the Williamson County Board of Education meeting. The school property is being transferred back to the county.

Mayor Lothers addressed the firearms issue. She noted that the board must be careful in what is passed. She noted that currently towns that have enacted regulations on firearms being discharged within residential areas is being investigated. She assured the board that only an ordinance that is well-crafted and abides by state law will be presented. She noted that it will not be an issue on large lots but only in subdivisions.

Counsel Notestine noted that Brentwood has an ordinance that prohibits the discharge of firearms within residential areas and road ways. He noted that there are several state laws that must be adhered to.

Counsel Notestine addressed the Board on the current lawsuits. He noted that currently there are two lawsuits pending, with one still being in court. He stated that a decision was made on this case by the Judge and it was then modified. The initial decision went against the Town. The Town asked the court to reconsider and they did.

Counsel stated that another case is in federal court. This is with Mr. Barrett, and the Town is in hopes this will be over in thirty days.

Review of Adequate Facilities Tax Relief Appeal A+ Storage

Mayor Lothers said that people came tonight to speak on this issue and should be heard. She also inquired the Town Attorney for direction since she had information to distribute to the board whether that would be dependent on a deferral or not. The attorney stated that it was public information. Mayor Lothers distributed an information sheet on the commercial businesses that have come into Nolensville the last five years and the adequate facilities taxes paid. Mayor Lothers also contacted the City of Franklin after not having questions answered by the applicant and distributed a copy of their Adequate Facilities Tax and Road Impact Fee information. Mayor Lothers stated that the Town Planner contacted Mr. Mullen of Duncan and Associates as our consultant for impact fees and he has rendered an opinion. Mayor Lothers indicated it would be a board decision whether or not the item is deferred, but the board should listen to the people here.

Counsel Notestine stated he thought it was public information. Mayor Lothers noted that she would look to Counsel for what the Town’s options would be tonight.

Counsel Notestine stated that it is a complicated situation because the adequate facilities tax is a Private Act in the State Legislature. This document has very specific terms. He noted that in those terms it says if someone appeals the town's decision about assessing the tax, the town must act within thirty (30) days of the hearing. He noted this Board must make a decision. Counsel Notestine stated that a hearing was held at a special meeting last Thursday. He noted that there is a caveat in the statute that says that thirty (30) days does not run if the Board continues the hearing to get additional information. He noted that one of the options tonight is that the applicants have requested a continuation to the next meeting. The board, by a motion, and by majority vote move to continue this to the next meeting. He stated that the other thing that can be done is to consider it on its merit tonight. Counsel Notestine noted that the applicant is not here and has asked for a continuance. He stated that in his experience if the applicant has asked for a continuance that is what the Board does. He noted that it is up to this board. Counsel Notestine stated that he wanted to make it clear that if this board votes to continue tonight, the thirty (30) days do not run against the board. The thirty (30) days will begin from the last hearing, unless it is continued tonight, then it automatically moves on to the next meeting.

After this clarification Mayor Lothers asked for citizen comment.

Mr. Trevon Townsend addressed the board noting that he owned the N' Town Storage here in Nolensville. He further stated that his speech was going to be kind of anti-climatic since the Board isn't voting on this tonight, although he wanted his voice heard on this matter. He stated that he and his family have owned a business in Nolensville for over 21 years. He noted that after the sell of Two-Way, they purchased N' Town Storage. He noted that he reinvested in the Town as well as N' Town Storage. He told the board that one of the determining factors of whether he bought N' Town Storage or not was the new Adequate Facilities Tax. He stated that with some investigation, it would be cost prohibitive for another storage facility to come into town and therefore somewhat corned the market. He stated that if he had known that it was open to be reduced as much as 90%, then he would have reanalyzed his purchase.

Mr. Townsend stated that this gives an advantage over a business that is already paying adequate facilities tax here in Nolensville. He stated that if he understands this correctly, Nolensville does not have a sliding scale, therefore that means the nature of the business cannot be given any significance in determining the imposed tax. He stated that the only determining factor is the square footage of the business that is being built. He noted that the lack of impact on the police, fire department, or schools, should have no bearing whatsoever on the formula used to impose the tax.

Mr. Townsend referred to the minutes of the Special meeting on September 27th, noting that a lot of comments were being made that Nolensville had the highest fees around. He stated that he agreed with that comment. However, he said, that does not mean that they need to be ignored. He noted that this governing body passed this for a reason, therefore why start second guessing your decisions now. He noted again the special meeting minutes referring to a comment that no new industry had come to Town since the implementation of this tax. He noted that was an incorrect statement. He noted the various establishments that have come to Nolensville, adding that those establishments abided by every ordinance that was in place at the time they built in Nolensville. He stated that if one developer has to pay the tax, what would keep another developer from paying the exact same tax? Mr. Townsend stated that in closing, he loves

Nolensville; and has spent most of his life here. He noted that he is not to ask for anything personally, all he ask the ruling body to do is use the same set of rules for each and every business. He noted that this Board will lose a lot of respect if it seems to be arbitrary in the enforcement of the very ordinances that they themselves have passed.

Mayor Lothers stated that she had noted in the minutes a statement was made that Nolensville's fees were ten time greater. However, she went over the Adequate Facilities Taxes and Road Impact Fees that the City of Franklin currently has in place. She noted that the town must follow the private act which will allow an applicant to appeal the adequate facilities tax.

Mayor Lothers asked for clarification from Counsel Notestine in regards to the wording. She asked if the Board would have to wait to vote. Counsel stated that the Board must render a decision in writing within 30 days of the hearing date of last Thursday, or continue by voting for a deferral tonight. He noted it is up to this Board. He also mentioned that the state statute says we can charge \$2.00 per square foot for commercial. We did not initially start out at that rate. We started out at around \$1.80, and did raise it a few years ago to the max. The state law didn't say we have to charge \$2.00 but this Board came back later and raised it to \$2.00

Alderman Curtsinger made a motion to enforce the adequate facilities tax. Alderman Thomas seconded. Alderman Curtsinger stated that this Board passed this tax for a reason. We all felt this was needed; there were no caveats during that time. He stated that he was disappointed that the other party did not attend tonight. He stated that he has followed this applicant and initially they came to BZA to say they were constructing sheds. He said they are now saying they are one of the largest industries coming to Nolensville. Alderman Curtsinger stated that this applicant said they would not use the fire or police service. He further noted that these tax dollars could be used in the Historic area to get sewer. He stated that this company will not bring one more tax dollar to the Town. He further noted that this is the only money the Town will receive from this company. He asked if Blue Bell would be coming back to request a refund. He asked if the bank would want a refund. He stated that the Town always needs money. The Town needs money currently for a recreation center. Alderman Curtsinger stated that this Board had a special meeting for this group and they did not even show up this evening.

Mayor Lothers noted that she wanted to clarify one thing as far as the sewer. As Mayor, she has started the Historic Nolensville Development Association, which is primarily getting all those folks together and trying to solve how we can bring the sewer to the Historic Area as it is vital to our community. We have businesses obviously that cannot flourish, cannot have changes of uses and so forth. She noted that the statement that this money can be used for sewer is actually a legality that the town cannot do. She noted that having worked alongside this very closely, that unless this is some type of a redevelopment partnering, or with grant monies, you cannot use public funds to bring sewer to one part of the city and not provide it to everyone. She noted that she had met with GNRC Deputy Director Phil Armor who drove the entire historic area with her and he knows the need that we have for sewer and his "radar" is out for special grants for Nolensville. She noted that everything the town has pursued has fallen short except for low interest loans. She reiterated that we don't want to say that the Town can use the adequate facilities tax to fund the Historic area sewer project.

Alderman Curtsinger stated that the Town could use it for matching funds. Mayor Lothers stated that this is and has been researched and if there are any funding options that someone is aware of, please bring them to the table. She noted to date, it has been difficult to find any money for this project. She has met with Congresswoman Blackburn's office for federal funding. She stated it is tricky, because the town does not have control over the sewer; obviously it is Metro Water Services. She noted that there are some grants that are for only municipalities who control their own sewer. She noted that there are grants for those with median incomes under \$37,000. Due to Williamson County's wealth this eliminates this particular grant. She noted that she will continue to beat the bushes and try to solve this problem, and would welcome any information on programs that have not been discovered yet.

Counsel Notestine noted that the technical point is there is an appeal of the Building Official before this Board. Alderman Curtsinger withdrew his motion, Alderman Thomas withdrew his second.

Alderman Curtsinger made a motion to uphold the Town Ordinance and the Building Official's decision, Alderman Thomas seconded.

Alderman Thomas noted that in 2005 this tax was increased to \$2.00. He stated that everyone had access to this document and it was nothing that was sprung on the applicant at the last minute. He stated that he felt his job was to look at long-term issues for the Town. He noted that there is a long-term commitment to place a business on a piece of property that will not generate any money for the Town. He noted that he did not think there is any other information the applicant could say to change his mind.

Mayor Lothers noted that the newly formed Economic Committee will be reviewing fees that have been implemented in the past by the Town, including the adequate facilities tax. She noted that this Board has an appeal for one business. Mayor Lothers stated that she was in support of the Board not going further. Alderman Dugger stated that he thought the minutes were a summation and the Town has a good Board. He noted that he had made a motion at the Special Meeting and the Board stepped back to take a different look at it. He stated that he was glad the vote was not taken. He stated that he would support not giving them a break or relief. I will say we stand by the \$2.00.

Alderman Alexander said that Mr. West would supply a document of information and this was not done. Unfortunately applicant did not show up tonight to hear a very persuasive argument against doing it. I'm like the rest of them and I'll vote to deny their request.

The vote was then taken on upholding the Building Official's decision and this passed unanimously.

First reading of ordinance #07-18, an ordinance to amend Title 15, Section 15-111, of the Municipal Code in regards to obedience to traffic control devices and avoiding intersections.

The Mayor asked if there were any citizen comment.

Pastor Sandy Shawhan of the First United Methodist Church addressed the Board stating that she would like for this body to consider this ordinance. She noted that the Church has private property on the corner of Rocky Fork and Nolensville road with this Church being one of the busiest in Town. She stated that they have a Pre-school at this location and people continually cut through their property. She stated that cars have been parked to block the drive and vehicles with go through the yard to go around the parked car. She stated that one of these vehicles could easily hit a child. She encouraged the Board to pass this ordinance.

Officer Buckley stated that from on the stand-point of the Police Department, they encourage that this ordinance be passed. He noted that he had personally watched this area and has seen cars go around vehicles in this church parking lot.

Mr. Rick Owens, 313 Barronswood Drive, stated that he thought at anytime an intersection is avoided it was against the law. Officer Buckley explained that was a Metro Nashville law, although not a Nolensville or State law.

Alderman Dugger stated that he would like review a car passing on the white line. He stated that he had spoken to the Chief and the Chief said that Judge Petersen would not enforce that in his Court. Mayor Lothers stated that the Chief had investigated this and it is hard to enforce due to the State law verbiage.

Mayor Lothers made a motion to pass this ordinance, Alderman Alexander seconded and this passed unanimously.

First reading of ordinance 07-19, an ordinance to amend the zoning map to rezone property currently Suburban Residential (SR) to Commercial Services (CS) with a Commercial Corridor Overlay (CCO) known as the Camron Property. Alderman Alexander made a motion to pass this ordinance, Alderman Dugger seconded. Planner Laird noted that Mr. Jackie Bennett, the representative for the property owner was in attendance to answer any questions the Board may have. Mr. Laird demonstrated the location on a map that was shown by power point. He noted that the Planning Commission had recommended this rezoning.

Mayor Lothers asked if they were aware of any floodplain conditions and the regulations. Mr. Laird stated that this area was not in the floodplain.

Alderman Curtsinger asked for the zoning behind Mr. Wells' property. Mr. Laird stated that zoning was OI and showed the adjacent property and each of their zonings.

Alderman Dugger noted that the question about the floodplain is another issue. He stated that when the site plan is brought before the Planning Commission it will then be addressed.

The vote was then taken and this was approved unanimously.

First reading of ordinance 07-20, an ordinance to amend the Zoning Map to rezone property currently Estate Residential (ER) to Commercial Services (CS) with a Commercial Corridor Overlay (CCO) known as the Cutler-Kelley property.

Mrs. Lynda Moses, Rocky Springs Road, stated about 45 years ago she bought land in Nolensville and was not told everything about the flooding issues. She stated that if you ask most people in Nolensville what two properties should not be developed within Nolensville, they will tell you this school and the property across from this school. She told the Board that if they pass this ordinance they are making a huge mistake. She stated that she felt that this property should not be developed.

Mr. Larry Gardner, York Road, asked the Board not to re-zone this property. He stated that he did not realize when he was on the Planning Commission that he voted in favor of this on the Land Use Plan. He noted that he did not realize what he had voted on and does not recall a map being attached and he was more focused on the property south of town. He stated that Mr. Kelly knew that piece of property flooded when he bought it. He asked what will happen when you cut and fill in there. He stated that the Nolensville historic book showed a picture of this area flooded. He further noted that no one on this Board has ever seen this creek up. He asks this Board not to approve this ordinance. He stated that the Land Use Plan is a guide. He stated that two of the Board members should not vote because they have to close of an alignment with Mr. Kelley. He stated that he ask Aldermen Thomas and Dugger to recuse themselves.

Mr. Roger Jenkins, 1692 Sunset Road, stated that he had only one politician come by during election time. He further stated that currently there is not a problem, but when this property is built on there will be a problem. He stated that he was not notified of this and when the roof was constructed on the Bar-B-Que Restaurant he received notice.

Mayor Lothers asked Engineer Tom Allen to address some of the flood concerns. Mr. Allen stated that there is no way this property can be developed unless numerous variances are granted.

Alderman Curtsinger asked if he had a copy of the Land Use Plan. He stated that it has always been distributed on a little 11 X 17 paper and it was misleading with the purple color. He inquired if there was one available tonight.

Mayor Lothers stated that she had a copy of the Land Use Policy Plan. Mr. Laird showed a large version of the map. Mayor Lothers stated that a break could be taken in order to go to Town Hall to reproduce individual copies. Alderman Curtsinger stated that it was not necessary.

Planner Laird noted that Mr. Gardner was on the Planning Commission and there were two large maps that were viewed. He stated that the current one is the one that was voted on and adopted. Mayor Lothers noted that there are minutes that will reflect these actions. Alderman Curtsinger stated that it was very controversial and almost went back to the Planning Commission. Alderman Dugger stated that he agreed with Mr. Laird, there was an option 1 and 2 that was voted on and approved. Alderman Alexander stated that if he remembered correctly, the purple colors were down past York Road.

Mayor Lothers stated that she would be interested in seeing the minutes that pertain to the vote of the Land Use Plan. Alderman Curtsinger stated that it is what it is.

Alderman Dugger stated that he did not feel that he had a conflict of interest in regards to Mr. Gardner's request. He stated that he did not have anything to do with this property.

Mr. Gardner stated that he did not think that Alderman Dugger had anything to do with the property, although he did rent from Mr. Kelley. He further stated that if he had to do it again he would have voted against the Land Use Plan.

Mayor Lothers asked Counsel for clarification in regards to the conflict of interest issue. Counsel Notestine stated that he respected Mr. Gardner's opinion, although that is an individual's decision. He stated that he did not see a conflict due to renting office space from Mr. Kelley. He stated that if an Alderman received a commission or some type of benefit from the transaction there would certainly be a conflict. Mayor Lothers asked the Aldermen if they would receive any personal gain. Alderman Dugger stated that he would not. He noted that in other property's which he was involved he recused himself.

Mr. Gardner stated that in regards to rezoning currently there is commercial property setting vacant. The Piggly Wiggly is vacant, and Mr. Yazdian has not rented all of his building.

Alderman Alexander stated that he recalled in the past couple of years where a developer and their engineers met with the Planning Commission. At the meeting they showed an aerial view of the property. He stated at this meeting they told the Planning Commission that the property was in the 100 year flood plain.

Alderman Curtsinger stated that he attended that meeting and it was an old man that they had dusted off and brought in.

Mayor Lothers asked for Engineer Tom Allen's advice. Mr. Allen stated that Alderman Dugger was correct that the Town specifications are stricter than FEMA regulations. He further noted that property cannot be developed without significant variances to the storm water regulations of the Town of Nolensville.

Mayor Lothers inquired if adjacent property owners are notified. Planner Laird stated that prior to the public hearing property owners are notified.

Alderman Thomas stated that he is very concerned about the integrity of the Town. He stated that his relationship with Mr. Kelley was strictly a tenant-landlord relationship. He stated that Mr. Kelly and he have never had a conversation about this property. He further noted that he stood to gain nothing in this transaction.

Alderman Alexander made a motion to defer this to allow the owners to attend their Engineers and to allow a fair hearing, Alderman Dugger seconded. Mr. Doug Cutler, purchaser of the property, said that he would comply with the flood plain guidelines, although, they want to make sure that it is rezoned. He added that he was sensitive to this as well.

Alderman Alexander stated that this Board is being asked to rezone property and then there are people telling the Board that it cannot be developed. He asked Mr. Cutler if he could bring his Engineers next month to answer questions. Mr. Cutler stated that he would be back next month.

Alderman Curtsinger stated that he felt this should not get rezoned. He stated that there is talk about not having enough money to run the Town, and there are no right of ways that have been purchased for the Major Thoroughfare Plan. He noted that if this property is zoned commercial the Town will not be able to buy the right of ways.

Mayor Lothers stated that she would never accept development by major thoroughfare or by-pass at commercial price. She stated that she respected Alderman Curtsinger's opinions, but she did not agree that the Town is going to pay commercial price.

Alderman Curtsinger stated that he would agree to the deferral in hopes that enough citizens would attend the meeting. He noted there was only one citizen on the Planning Commission that lived in Nolensville in 1984.

The vote was taken and this was deferred unanimously. Mayor Lothers asked which board members had copies of the Land Use Policy Plan and all raised their hands except for Alderman Curtsinger.

Second Reading of Ordinance 07-07 an ordinance to amend the zoning ordinance 04-09, in regards to Village area lot standards. Mayor Lothers made a motion to approve this ordinance, Alderman Dugger seconded.

Alderman Curtsinger stated that this ordinance is trying to change the maximum area. He asked how many businesses have applied to the Town of Nolensville for this square footage.

Alderman Dugger made a correction noting that Planner Laird did not recommend this ordinance, although the Planning Commission recommended this change.

Planner Laird noted that this has been discussed several times. He stated that previously the Zoning Ordinance did not have any ratios. He stated that the recommendation was to move to 4,000 square feet. Planner Laird stated that almost all of the buildings in that area fit in that floor area ratio. Mr. Laird explained this in depth. He further stated that he did not know of any applications that had been submitted for this request. Mr. Laird additionally demonstrated the buildings through the power point presentation. Mayor Lothers noted that the largest square footage currently is 3007. She stated that she was in favor of this ordinance and it has been reviewed thoroughly.

The vote was taken and this passed unanimously.

First reading of ordinance 07-21, an ordinance to amend Title 7, Chapter 1-2, Title 12, Chapter 1 - 9, of the Municipal Code in regards to Fire and Building Codes. Mayor Lothers made a motion to approve this ordinance, Alderman Dugger seconded.

Alderman Dugger stated that this is basically adopting the 2006 Code. He noted that currently the Town is operating under the 2003 Edition. Mr. Michael Blanks, Building Official, stated that this Department wanted to get as current as possible. He stated that they held on adopting this Edition so that any issues would get worked out. He stated this is an attempt to adopt the 2006

and move on to new literature. Alderman Dugger noted that the ordinance does state this will become effective January 1, 2008.

The vote was taken and this passed unanimously.

Public hearing of ordinance 07-16, an ordinance to amend the Zoning Ordinance #04-09, in regards to architectural standards in the Office Industrial (OI) Zoning Districts opened at 9:15 p.m. There was no public comment. The public hearing closed at 9:15 p.m.

Mayor Lothers called for a recess at 9:16 p.m.

The meeting reconvened at 9:30 p.m.

Second reading of ordinance 07-14, an ordinance to amend Zoning Ordinance 04-09, in regards to signs. Mayor Lothers made a motion to approve this ordinance, Alderman Dugger seconded.

Planner Laird described this ordinance in length. He said that there have been three suggested amendments to this ordinance. Mr. Laird distributed the amendments to the Board in writing and explained each.

Mayor Lothers made a motion to accept Planner Laird's amendments in 1.8.1 Retail and 1.8.2 Office.

1. Concerning "now hiring" signs.

Article 1.10.4 B that refers to "now hiring" signs under the temporary sign section should be deleted to remove this sentence from temporary signs and place "now hiring" signs under the exempt section, section H, and consider them as incidental signs. This would mean that businesses would not have to get a temporary permit from town hall when they needed to advertise for hiring and would place a size limit on the now hiring sign under the incidental sign description.

2. Change the proposed amendment under 1.8.1 Retail and 1.8.2 Office that reads:
Signs shall be mounted in a flat fashion ***and shall be mounted on the wall that contains the main entrance of the building***

To read:

Signs shall be mounted in a flat fashion ***and shall be mounted on the wall that contains the main entrance of the building except that buildings that front two public streets may have side façade signs provided that the total signage allowance does not exceed the maximum sign allowance for wall signs.***

3. Article 1.5.1 Prohibited signs changes that add section O. Window signs should be changed to read:
O. Window signs ***that serve as the general business sign and exceed the incidental size allowance.***

(This would prevent a business from painting the business sign over the front window in larger lettering while allowing the identification of the business in smaller letters on the door or nearby as an incidental type sign. The town would prefer a nice wall sign instead.)

Alderman Dugger seconded. The amendment passed unanimously.

The vote was then taken on the ordinance as amended and passed unanimously.

Second reading on ordinance #07-13 an ordinance to amend the Zoning Ordinance 04-09, in regards to permitted structures within setbacks. Alderman Dugger made a motion to approve this ordinance, Mayor Lothers seconded

Alderman Dugger made a motion to amend page three to read, PUDS with lot sizes less than 11,000 square feet, Mayor Lothers seconded.

Alderman Curtsinger stated that there is a danger due to the code not defining a gazebo or an uncovered deck. He stated that it is very vague and unclear.

Mr. Michael Blanks stated that that it would be considered an accessory such as a birdbath. He stated that a Gazebo would be a detached accessory. Mayor Lothers stated that staff has taken a lot of time investigating and researching this issue.

Alderman Curtsinger stated that he did not see any reason to change it. He stated that as it is set up now the BZA overturns everything. Mayor Lothers stated that they do variances on each case's merit.

Alderman Dugger stated that he totally disagreed with Alderman Curtsinger. He stated that the last case before the BZA the ordinance was upheld.

Mayor Lothers stated that discussions with MTAS, if a City continually has the same BZA request the ordinance should be reviewed.

The amendment was voted on and approved by majority with Mayor Lothers, Aldermen Alexander, Dugger and Thomas for, and Alderman Curtsinger abstained.

The vote was then taken on approval of the ordinance as amended. This was approved by majority with Mayor Lothers, Aldermen Alexander, Dugger and Thomas for, and Alderman Curtsinger abstained.

Second reading of ordinance 07-15, an ordinance to amend the Zoning Ordinance Section 8, of the Municipal Code in regards to the sell of beer. Mayor Lothers made a motion to approve this ordinance, Alderman Thomas seconded. The vote was taken and approved unanimously.

Reading of resolution 07-11, a resolution to establish a Board of Appeals for the International Building Code. Alderman Alexander made a motion to approve this resolution, Alderman Thomas seconded.

Alderman Dugger noted that this is to establish a Board of Appeals to appeal a decision by the Building Official in regards to the IBC. He stated that a resolution was passed in 2004 that stated the Board of Zoning Appeals would be the Board of Appeals. This resolution establishes this Board to maintain only one role.

Alderman Curtsinger inquired to how this was affected by the Charter. Counsel Notestine stated that it is not affected. He noted that the Town adopted the International Building Code and this Code gives this Board the authority to initiate a Board of Appeals.

The vote was taken and this was approved unanimously.

Mr. Blanks thanked the Board for their support during these growing pains. Mayor Lothers stated that she appreciated Mr. Blanks, noting he was very articulate and informative.

Other:

Mayor Lothers stated that she will keep the Board informed on the signalization at the new Rocky Fork-Nolensville-Clovercroft Road.

The meeting adjourned at 9:52 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Beth Lothers
Mayor